

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSIE BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL L. ROBINSON, DISTRICT 4
MICHEL R. NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

AGENDA FOR REGULAR COUNCIL MEETING

**March 19, 2013
COUNCIL CHAMBERS, CITY HALL
8:30 a.m.**

AND

**LEGISLATIVE REVIEW MEETING OF THE WHOLE
300 N. CAMPBELL
MAIN CONFERENCE ROOM, 2ND FLOOR
March 18, 2013
9:00 a.m.**

NOTICE: At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

PLEASE NOTE: If items are scheduled for the Executive Session, the Council will move to Executive Session at 12:00 p.m. (noon) for the consideration of those items, or will hear the items at the end of the agenda or as determined by the Presiding Officer, whichever occurs first.

ROLL CALL

INVOCATION BY CIMA CHAPLAIN CARLOS CLUGY-SOTO

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

- 1. NATIONAL NUTRITION MONTH**
- 2. WALK MS DAY IN EL PASO**

RECOGNITION

IN MEMORIAM OF MAYOR RAYMOND L. TELLES, JR.

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

NOTICE

Requests to speak must be received by **8:30 a.m.** on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

CONSENT AGENDA

1. APPROVAL OF MINUTES:

Approval of Minutes for the Regular City Council Meeting of March 12, 2013.

[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

Representative Cortney Carlisle Niland

3. RESOLUTION:

That the Mayor be authorized to sign the following Interlocal Governmental Agreements between the City of El Paso and the below listed Independent School Districts to allow for joint elections between the City and each Independent School District on May 11, 2013 for the purpose of sharing the costs.

1. El Paso Independent School District

2. Ysleta Independent School District

(All Districts) [City Attorney's Office, Matthew K. Behrens, (915) 541-4550]

4. NOTATION OF CAMPAIGN CONTRIBUTIONS:

For notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contribution by Representative Carl L. Robinson on February 14, 2013, in the amount of \$500 from Linebarger, Goggan, Blair & Sampson, LLP; on February 19, 2013, in the amount of \$1000 from Irene Epperson; on February 20, 2013, in the amount of \$1,000 from Stanley P. Jobe; on February 27, 2013, in the amount of \$50 from A. Davis; on March 6, 2013, in the amount of \$400 from Rachel B. Harracksingh or Gregory Harracksingh; and on March 9, 2013, in the amount of \$100 from Bruce H. and Susan M. Phillips; on March 11, 2013, in the amount of \$500 from Robert L. Bowling IV; in the amount of \$500 from Robert L. Bowling.

[Representative Carl L. Robinson, (915) 541-4400]

REGULAR AGENDA - INTRODUCTIONS

5. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

**Public comment typically is not taken during the introduction of ordinances.
Public comments are invited at the date of the scheduled public hearing.**

- 5A.** An Ordinance amending Ordinance No. 017961, calling a Special Election for the submission of Charter Amendments to be held within the City, on May 11, 2013, to correct a scrivener's error in the text under Amendment No. 1 of the Ordinance. **(All Districts)** [City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]

PUBLIC HEARING WILL BE HELD ON MARCH 26, 2013, FOR ITEMS 5A

- 5B.** An Ordinance providing or a waiver of certain fees for special event permits as required in Title 5, Title 9, Title 12, and Title 15 of the El Paso City Code. **(All Districts)** [City Manager's Office, Leila Melendez, (915) 541-4859]
- 5C.** An Ordinance amending Title 5 (Business License and Permit Regulations), Chapter 5.03 (Charitable Solicitations), Chapter 5.15 (Vendors and Solicitors) of the El Paso City Code, to repeal Charitable Solicitation permits and to exempt certain vendors from the license requirement. The penalties are provided in Chapter 5.01.100 of the El Paso City Code. **(All Districts)** [City Manager's Office, Leila Melendez, (915) 541-4859]
- 5D.** An Ordinance amending Title 9 (Health and Safety), Chapter 9.40 (Noise), Chapter 9.52 (Fire Prevention Code) of the El Paso City Code, to exempt special events permits from the Noise Ordinance. The penalties are provided in Chapter 9.40.140 of the El Paso City Code. **(All Districts)** [City Manager's Office, Leila Melendez, (915) 541-4859]
- 5E.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.56 (Parking Meters), of the El Paso City Code, to exempt parking meter fees for special event permits. The penalties are provided in Chapter 12.84.010 of the El Paso City Code. **(All Districts)** [City Manager's Office, Leila Melendez, (915) 541-4859]
- 5F.** An Ordinance amending Title 13 (Streets, Sidewalks, and Public Spaces), Chapter 13.28 (Sound Amplifying Devices) and Chapter 13.32 (Temporary Events) of the El Paso City Code to exempt special event permits from the sound amplification permit and to amend the payment and cancellation policy for a special event permit. The penalties are provided in Chapter 13.32.090 of the El Paso City Code. **(All Districts)** [City Manager's Office, Leila Melendez, (915) 541-4859]
- 5G.** An Ordinance amending Title 15 (Public Services), Chapter 15.08 (Street Rentals) of the El Paso City Code, to delete certain additional costs and fees associated with special event permits. The penalty is provided in Chapter 15.08.070 of the El Paso City Code. **(All Districts)** [City Manager's Office, Leila Melendez, (915) 541-4859]

ITEMS 5H AND 5I - RELATED TO THE RELOCATION

- 5H.** An Ordinance granting a First Amendment to lease to Transtelco Inc. regarding the relocation of a portion of the City's existing underground conduit system in downtown and south El Paso for a fiber optic cable telecommunications system. As consideration the lessee shall pay certain relocation costs and the annual lease fee (\$12,524.70) shall remain the same. **(All Districts)**
[Information Technology, Miguel Gamino, (915) 541-4288]
- 5I.** An Ordinance granting a First Amendment to lease to the University of Texas at El Paso regarding the relocation a portion of the City's existing underground conduit system in downtown and south El Paso for their internal fiber optic telecommunications system and related interlocal services for installation of the fiber. As consideration, the lessee shall pay certain relocation costs and the annual lease fee (\$2,764.54) shall remain the same. **(All Districts)**
[Information Technology, Miguel Gamino, (915) 541-4288]

PUBLIC HEARING WILL BE HELD ON APRIL 2, 2013, FOR ITEMS 5B – 5I

Public Hearings will be held as part of the regular City Council meeting that begins at approximately 8:30 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Thursday, 7:00 a.m. to 6:00 p.m.

REGULAR AGENDA – PUBLIC HEARINGS

6. CITY DEVELOPMENT:

- 6A.** An Ordinance changing the zoning of a Portion of Lots 1, 2, and 6, Block 6, Stiles Gardens, City of El Paso, El Paso County, Texas from C-1/sc (Commercial/Special Contract) and A-2 (Apartment) to SD (Special Development). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 7200 - 7202 North Loop. Property Owner: Victor and Rosa Gonzalez. PZRZ12-00038 **(District 3)**
[City Development, Michael McElroy, (915) 541-4238]
- 6B.** An Ordinance releasing all conditions placed on property by Ordinance No. 4810 and Special Contract of March 28, 1972, which changed the zoning of a Portion of Lots 1, 2, and 6, Block 6, Stiles Gardens, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 7200-7202 North Loop. Property Owner: Victor & Rosa Gonzalez. PZCR12-00008 **(District 3)**
[City Development, Michael McElroy, (915) 541-4238]
- 6C.** An Ordinance changing the zoning of a portion of the North Gate Outlet Channel R.O.W. out of Castner Heights Unit One, an Addition to the City of El Paso, El Paso County, Texas from R-4 (Residential) to C-4 (Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: south of Diana Drive and east of Gateway North Boulevard. Property Owner: El Paso Water Utilities - Public Service Board and City of El Paso. PZRZ12-00031 **(District 4)**
[City Development, Andrew Salloum, (915) 541-4633]
POSTPONED FROM 01-15-13, 02-19-13, AND 03-05-13

- 6D.** An Ordinance amending Ordinance No. 017764 which amended Ordinance No. 017524 which amended Ordinance No. 017109 which vacated a portion of Boston Avenue, to allow a three year extension to complete improvements on the pedestrian walkway and to revise the quitclaim deed to reflect the extended time for completion. Applicant: EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P. Subject Property: Boston Avenue between Mesa St. and Oregon St. **(District 1)** [City Development, Kimberly Forsyth, (915) 541-4668]

ITEM 7 - RELATED TO THE RELOCATION

7. CITY MANAGER:

An Ordinance authorizing the City Manager to sign a Lease with the El Paso City Employees Pension Fund for the lease of approximately 1,934 square feet of office space in the building located on 51 feet on Leon Street x 120 feet on San Antonio Street, more particularly being a portion of Block 46, Mills Addition, El Paso, El Paso County, Texas, being municipally known and numbered as 400 W. San Antonio Street, El Paso, Texas., for an initial five-year term and initial rental amount of \$11,604 per annum, increasing to \$15,472 in years 4-5 and two five-year options to extend with annual 2% rental increases, the cost for the initial year to be paid by the City. **(All Districts)**
[City Manager's Office, John Neal, (915) 541-4285]

8. COMMUNITY AND HUMAN DEVELOPMENT:

- 8A.** An Ordinance authorizing the City Manager to sign a Contract of Sale and other necessary documents between the City of El Paso and Susana Contreras which will allow the City to convey Lot 16, Block 17, Sun Ridge #5, City of El Paso, El Paso County, Texas, 79938 also known as and numbered as 12364 Robert Dahl Dr., El Paso, Texas, to Susana Contreras. **(District 5)**
[Community and Human Development, William Lilly, (915) 541-4241]
- 8B.** An Ordinance authorizing the City Manager to sign a Contract of Sale and other necessary documents between the City of El Paso and Ivan Guerrero & Luz Molina which will allow the City to convey Lot 24, Block 3, Sombras Del Sol #2, City of El Paso, El Paso County, Texas, 79938 also known as and numbered as 12497 Jon Evans, El Paso, Texas, to Ivan Guerrero & Luz Molina.
(District 5) [Community and Human Development, William Lilly, (915) 541-4241]

9. ENVIRONMENTAL SERVICES:

An Ordinance granting a non-exclusive franchise to "Bin There Dump That," to operate and maintain a solid waste collection and hauler service within the City of El Paso subject to the terms and conditions described in the ordinance; the penalty as provided in Section 9.04.630 of the El Paso City Code. **(All Districts)**
[Environmental Services, Kurt Fenstermacher, (915) 621-6892]

REGULAR AGENDA – OTHER BUSINESS

10. CITY DEVELOPMENT:

- 10A.** Discussion and action on a Resolution that the City Manager be authorized to sign the Services Agreement for Energy Efficiency Incentives between the City of

El Paso (the “City”) and El Paso Electric Company (“EPE”) whereby the City agrees to compensate EPE an amount not to exceed \$37,500 for EPE to administer the financial incentives solar programs for commercial properties approved by the El Paso City Council for fiscal year 2013. **(All Districts)**
[City Development, Marty Howell, (915) 541-4925]

- 10B.** Discussion and action on a Resolution that the City Manager be authorized to sign the First Amendment to the Economic Development Program Grant Agreement between the City of El Paso (the “City”) and The Hub of Human Innovation Inc. (the “Applicant”) allowing the applicant to make transfers among existing budget categories and among existing budget years equal to or less than thirty percent (30%) of the total amount of the grant funding allocated for the budget year and expand Applicant’s scope of services to include providing quarterly workshops free of charge to the public at their 500 W. Overland Ave. facility, subject to the terms and conditions in the First Amendment to the Economic Development Program Grant Agreement. **(All Districts)**
[City Development, Marty Howell, (915) 541-4925]

11. MAYOR AND COUNCIL:

- 11A.** Status report from the stakeholder committee formed to review the 2008 subdivision code. [Representative Michiel R. Noe, (915) 541-4701]
[POSTPONED FROM 03-12-13]
- 11B.** Presentation and action on the Texas School Ready! Project.
(All Districts) [Representative Susie Byrd, (915) 541-4996]
- 11C.** Discussion and action on the proposed bond sale and resulting increase in taxes by University Medical Center / El Paso County to construct, staff, and operate multiple large medical facilities. [Representative Michiel R. Noe, (915) 541-4701]

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act and the Rules of City Council.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- EX1.** Javier E. Avila vs. City of El Paso, et. al., Cause No. EP-12-CV-00287-DB (551.071)
[City Attorney’s Office, Laura P. Gordon, (915) 541-4550]

EX2. Discussion and action regarding issues related to Police Department matter 13-067278.
(551.071) [City Attorney's Office, Laura P. Gordon, (915) 541-4550]

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY THURSDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>